

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

D.A.1025/94.

C.P.Dixit

... Applicant.

V/s.

1. Chairman, Central Board of Direct Taxes, North Block, New Delhi-110 001.
2. Chief Commissioner of Income-tax, Aayakar Bhavan, Maharshi Karve Rd., Bombay - 400 020. ... Respondent.

CORAM : Hon'ble Shri B.S.Hegde, Member(J).

APPEARANCES:

Applicant in person.

Shri Karkera proxy for Shri P.M.Pradhan,
Counsel for Respondents.

ORAL JUDGMENT:

DATED : 13/1/95.

¶ Per Hon'ble Shri B.S.Hegde, Member(J). ¶

Applicant has retired from service on 31.1.93 and has initially requested to retain the departmental quarters till 30/9/93 in exceptional circumstances as narrated in his letter dt. 8.9.93. However, due to some personal difficulties another request was made on 23.10.93 to retain the flat till 31/12/93 and the same was not acceded to. In the circumstances, he was issued a letter dt. 7.4.94 asking him to make payment of Rs.37,278/- @ Rs.12,407/-p.m. for his overstay in quarters against which he made representation dt. 28/4/94 to Chief Commissioner of Income Tax requesting him to reduce the liability of rent and in the end allow him to make a payment of Rs.500/- per month to liquidate the rent arrears,

2. The Respondents submit, that as per the undertaking given by the applicant, he has already made payment of Rs.6,000/- and he was allowed to make payment of Rs.1,000/- per month with effect from June '94 wide letter dt. 7.7.94 till the liability

is recovered.

3. The only grievance in this case, as claimed by the applicant, is that Shri P.S.Hajela, Dy. Commissioner of Income-tax occupying Peddar Road Quarters has been allowed extension after retirement on a concessional rent and he has not been asked to pay the penal rent for his stay beyond a period of eight months.

4. The main grievance of the applicant is that Shri Hajela who was similarly situated as the applicant, has been allowed extension without payment of any penal rent. If that be so, it is open to the applicant to make a representation to the competent authority to re-consider his case in par with Shri Hajela's case, and consider the circumstances in which he could not vacate the departmental quarters within the specified period. He should make such representation within 15days from the date of receipt of this order and on making such representation, it is open to the Competent Authority to dispose of the same within a period of one month thereafter. On merits, we do not think there is any substance in the OA. However, the Competent Authority may consider his case on other grounds and it is left open to the department to take ^{appropriate} ~~any~~ ^{any} ~~desirable~~ decision in the matter as ~~deemed~~ fit.

The OA disposed of.

abp.


(B.S. HEGDE)
M(J)